

Village of Croton-on-Hudson  
Joint Meeting of Water Control Commission & Waterfront Advisory Committee  
August 4, 2016

**PRESENT (WCC):** Stuart Greenbaum, Chair  
Ian Arturo  
Mark Goldfarb  
Gail Sasso

**PRESENT (WAC):** Bruce Kauderer, Acting Chair  
Bob Anderson, Village Trustee  
Stuart Greenbaum  
Brian Pugh, Village Trustee

**ALSO PRESENT:** Daniel O'Connor, Village Engineer

**1) Call to Order:**

The Joint Meeting of the Water Control Commission and the Waterfront Advisory Committee of August 4, 2016 was called to order at 7:35 P.M.

**2) Joint Meeting:**

**Review application from New York State Department of Environmental Conservation (NYSDEC) for Regulated Activities in Wetlands and Watercourses for the herbicide control of invasive plant Hydrilla in the Croton River. Discussion with NYSDEC representatives and decision on issuance of Wetlands Permit.**

Representatives from the NYSDEC at tonight's meeting were:

Dave Adams, Biologist 2 (Ecology), Invasive Species Coordination Unit  
Catherine McGlynn, Aquatic Invasive Species Coordinator  
Tim Sinnott, Biologist 3 (Ecology), Ecotoxicology Section Leader.

Also present tonight to represent the Applicant was Glenn Sullivan, a consultant from Solitude Lake Management.

WCC Chairman Greenbaum chaired the joint meeting and started off with some background information for the public in attendance. He stated that the Applicant first appeared before the WCC on July 20, 2016 with an application for a wetlands permit. The NYSDEC had declared the Action a Type I Action and declared itself Lead Agency for SEQRA purposes. The WCC declared itself Lead Agency with regard to consistency with the Village's Local Waterfront Revitalization Program (LWRP) and referred the application to the WAC for a determination of consistency. At its meeting on July 21, 2016, in a memorandum to the WCC, the WAC stated that it did not have sufficient information to issue a recommendation of consistency; it questioned several of the NYSDEC's answers on the Coastal Assessment Form (CAF) and responses to consistency with the LWRP policies. The NYSDEC submitted a Responsiveness

Summary on August 3, 2016. The purpose of tonight's meeting was to review the Responsive Summary.

Before the review started, the Village Engineer, Dan O'Connor asked the DEC to reaffirm that Deer Island and not Firemans Island is the location of the treatment endpoint. Mr. Adams did so.

Chairman Greenbaum then began reviewing each point of issue in the Responsive Summary, while asking for any input from the WAC and the DEC.

With regard to "Page 2, 9. a)" of the CAF, the WAC felt that the Hudson River as well as the Croton River should be listed as the target area. Ms. McGlynn said that the concentration of the herbicide would drop to 0 at the mouth of the Croton River and wouldn't enter into the Hudson River.

The WAC had strong objection to the "No" answer on "Page 3, (2), g)" – "Will the proposed action have a significant effect upon surface or groundwater quality?"

Acting WAC Chairman Kauderer said that this was the most critical issue of concern and that the DEC's reply was unsatisfactory.

A long discussion followed. Acting WAC Chairman Kauderer said that the proposed herbicide injection site is right at the boundary of the aquifer and he and the rest of the Members of the WAC were unwilling to take any chances with the water supply. With the aid of aerial photos and maps on display, he suggested moving the injection site 100 yards downstream and asked the DEC for its opinion.

Mr. Adams said that none of the representatives present tonight are geologists or engineers and they were not prepared for such a discussion.

Acting Chairman Kauderer then countered saying that without the change to the injection site, the WAC would have to declare the Action inconsistent with the LWRP.

Trustee Pugh then asked why 100 yards and Acting Chairman Kauderer replied that it was somewhat arbitrary but seemed reasonable and safe. Trustee Pugh then asked the DEC how long it would take to evaluate the suggestion. The DEC could not really answer the question of how long.

Mr. O'Connor questioned whether by moving the injection site some 100 yards, it would eliminate a critical treatment area. Ms. McGlynn said the injection sites would have to be revisited and Mr. Adams said the original injection site had been selected because of the mixing effect; as the herbicide moves downstream the mixing effect lessens.

Trustee Anderson added that if moving the injection site is better in the long run, it is good not to take any chances.

Ms. Sasso pushed the DEC to try to give an opinion about changing the injection site and whether there were alternatives to protect the aquifer area and whether there were other ways to achieve the sought after mixing effect.

Ms. McGlynn said the DEC had taken part in a discussion with the Village with regard to the injection site and the location of the aquifer had been a consideration.

Mr. Sullivan added that the DEC would be using so little herbicide that it will be difficult to get a good mix as is. He also added that there is no restriction of its use in well water.

Mr. Adams added that if the injection site is moved 100 yards, it would result in the channelization of the herbicide and the mixing of the herbicide will not be as good.

Mr. Goldfarb asked what type of DEC professional could evaluate the change in the point of injection. Mr. Adams said the only biologists and ecologists were present tonight who deal with the biology of Hydrilla and with the treatment of Hydrilla but none of the DEC representatives present tonight were prepared to evaluate a change in the injection site.

Mr. Adams and Ms. McGlynn both said each situation is different. Mr. Sullivan added that over 5,000 such applications have taken place with the majority of the sites having wells and not public water systems and there has never been any issues.

Mr. Goldfarb then asked who could answer what the consequences would be if the injection site were to be moved 50 yards rather than 100. Ms. McGlynn said they would have to contact the Division of Water.

Chairman Greenbaum suggested that a consultant outside of the DEC may be needed and the WAC agreed with this recommendation.

Chairman Greenbaum then read through the remainder of the DEC's responses to the points of issue on the CAF and EAF forms.

This was followed by Chairman Greenbaum's reading of the DEC responses to the WAC's concerns over LWRP policy issues.

Acting Chairman Kauderer took issue with the DEC's response to Policy 7G that (assuming Black Rock Park as the injection site) "Applying the herbicide outside of this area and downstream of both the wellfield and aquifer will avoid the risk of any contamination to the Village drinking water". He said it was a bold statement with nothing to back it up.

Chairman Greenbaum paraphrased DEC's written response by saying that a one-year approval is being sought. A five year plan is needed to deal with Hydrilla; such a long

term plan is needed to control and prevent the further spread of it. The Action being sought is really a pilot plan to determine the efficacy and impact of the endothall treatment.

With regard to Policies 9A and 9B, Chairman Greenbaum said there was a discrepancy between DEC's response as to how long before safe recreational use of the treated water and the indications on the Aquathol-K label sheets and Mr. Sinnott said the label information was dealing with safety factors for animal consumption.

Chairman Greenbaum then asked about notification of the treatment to the public. Ms. McGlynn said that a second round of notifications would be sent out through emails and texts to Village subscribers.

With regard to Policy 19, Chairman Greenbaum suggested 24 to 36 hours to be safe rather than 24 hours for the prohibition of swimming and bathing after the end of the treatment.

After reading DEC's response to Policy 38 regarding safeguarding the water supply, Chairman Greenbaum said that the Boards were not sure if they agreed with the response that "There is no potential to affect the public water supply" and reiterated that the site of injection was at issue.

Chairman Greenbaum then asked if the Village Engineer had any suggestions. Mr. O'Connor suggested that a recommendation of consistency with the LWRP could be made and the wetland permit issued with the condition that the injection site be moved 100 yards  $\pm 10\%$  downstream or give the DEC the option to come back and provide additional information about treatment at the proposed injection site.

Trustee Anderson suggested that the Village and DEC try to move the application along quickly. Mr. Goldfarb then asked what is the last feasible date for the treatment to be effective and Mr. Sullivan replied that it was late already and that it would definitely need to be done before the last week in August.

Acting Chairman Kauderer then made motion that the WAC make a recommendation of consistency with the condition that the injection site be moved 100 yards  $\pm 10\%$  downstream. Trustee Pugh seconded the motion. The motion passed with all members of the WAC present tonight (Acting Chairman Kauderer, Trustee Anderson, Trustee Pugh, and Mr. Greenbaum) voting in favor.

Chairman Greenbaum wanted it noted that emails addressed to the WCC and WAC in support of the project had been received from Robert and Maria Armanini, owners of Feed the Birds, and from Karalyn Lamb, Board Member of the Saw Mill River Audubon and Partner of the Lower Hudson Partnership for Regional Invasive Species Management.

Chairman Greenbaum then opened the meeting to the public.

Ms. Carrie Andrews stepped forward. She said she supported DEC's treatment proposal and said she thought it would be devastating if we didn't get control of the Hydrilla.

Mr. Earl Depass, of 10 Nordica Drive, spoke next. He said he supported the project having seen dense mats of Hydrilla after volunteering in the past year to survey the area. He asked if some kind of dye could be released as a test to see if it permeates into the well area but Mr. O'Connor said it would be an expensive proposition and that the public would not be willing to drink water with any kind of dye in it.

Mr. Rob Jagodzinski, of 28 Devon Avenue, asked questions of the DEC as to whether more water would have to be released and whether warm water would help to spread the herbicide. Ms. McGlynn replied that releasing more water would depend on other factors and that warm water would have no effect on the Hydrilla tubers.

Mr. John Phillips was the last to speak. He wanted to stress the importance of the flow dynamics as an important factor.

Chairman Greenbaum then told the DEC that the WCC is willing to vote on the application tonight, with the condition based on the WAC's recommendation of moving the injection site downstream, but it would also like to give the DEC the opportunity to provide additional information to convince the Board that there is no risk to the water supply. If so convinced, the Board could modify the condition.

Chairman Greenbaum then read the WCC draft resolution, adding the condition that the injection site be moved downstream 100 yards  $\pm 10\%$  and with the stipulation that this condition could be modified if the DEC convinced the Board with additional information that there is no risk to the water supply if the original injection site were to be used.

Mr. Arturo made a motion to accept the draft resolution granting the wetland permit with the additional condition. Ms. Sasso seconded the motion and the motion passed with a vote of 4 to 0; Chairman Greenbaum, Mr. Arturo, Mr. Goldfarb, and Ms. Sasso all voted in favor.

Ms. McGlynn then stated that with a change of the injection site, the DEC would need to determine the access points. Mr. O'Connor said that the first shot would be given to the DEC but that he and Ms. McGlynn would email and issue the result.

### **3) Adjournment:**

The WCC adjourned its meeting at 9:15 P.M. The WAC continued its own meeting with other agenda items.

Respectfully submitted,

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August 4, 2016  
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Toni Cruz  
Secretary, Water Control Commission